THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.1870 OF 1999

DATED: 20-06-2006

Between:

T.Ramesh Goud and another . . .Petitioners

And

Govt. of A.P. and others . . .Respondents

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.1870 OF 1999

O R D E R:

The petitioners claim to be the members of Toddy Tappers Cooperative Society, Warangal-II. By proceedings, dated 03-12-1998, the first respondent – Assistant Commissioner of Prohibition and Excise, Warangal, directed the person-in-charge of the said society to take respondents 4 to 8 herein as new members of the society by passing a resolution to that effect. Aggrieved by the said order, this writ petition was filed contending, *inter alia*, that respondents 4 to 8 are not eligible and at any rate as per the Bye laws they cannot be admitted as members without approval by the General body. Thus, a declaration has been sought that impugned proceedings are arbitrary and illegal.

This Court while directing rule nisi, by order, dated 03-02-1999, granted interim suspension of the impugned proceedings, dated 03-12-1998. The said order remained in force throughout and consequently, respondents 4 to 8 herein are not admitted as members of the society.

Heard the learned counsel for both the parties.

Learned counsel for the petitioners submitted that during the pendency of this writ petition, elections have been conducted to the Managing Committee of the society and byelaws have been registered and as per byelaw No.4, a remedy is available to any person aggrieved to approach the Board of Directors. In view of the

subsequent events and the change in the excise policy, the impugned order has become superfluous and therefore, no further adjudication is necessary on merits. Accordingly, the writ petition is disposed of leaving it open to respondents 4 to 8 to make an appropriate application to admit them as members of the society, in which event, the same shall be considered in the light of the policy existing as on today and appropriate orders be passed in accordance with law. No order as to costs.

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(G.ROHINI, J)

20th JUNE, 2006.

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